



receipt

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1 Fu

Applicants : Toshiyuki Takahashi et al.

Serial No. : 10/589,832

Case No.: BY0037P

Art Unit:  
1614

Filed : 8/17/2006

For : NITROGENOUS FUSED HETEROAROMATIC  
RING DERIVATIVE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR CORRECTED FILING RECEIPT

Attached is a copy of the official Filing Receipt under 35 U.S.C. 371 and 37 C.F.R. 1.495 received from the Patent and Trademark Office for the above-identified application for which issuance of a corrected Filing Receipt is respectfully requested.

There is an error with respect to the spelling of one of the inventor's family name. The name of inventor Akio Kanatani was incorrectly listed as Akio Kunatani. A copy of the declaration which was filed with the case is also enclosed.

These corrections have been noted on the copy of the attached filing receipt.

There are no fees believed. In the event that there are any fees due you have authorization to charge account 13- 3755.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

By Eric Thies MERCK & CO., INC. Date 26 July 2007

Respectfully submitted,

By Eric Thies  
Eric Thies, Reg. No. 35,382  
Attorney for Applicants

MERCK & CO., INC.  
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Rahway, New Jersey 07065-0907  
(732) 594-3904

DATE: July 26, 2007

JUL 30 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
10/589,832	08/17/2006	1614	1150	BY0037P	15	2

CONFIRMATION NO. 2766

210  
 MERCK AND CO., INC  
 P O BOX 2000  
 RAHWAY, NJ 07065-0907

PATENT DEPARTMENT

APR 18 2007

J. ERIC THIES

## FILING RECEIPT



\*OC000000023321862\*

Date Mailed: 04/13/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Toshiyuki Takahashi, Tsukuba-shi, JAPAN;  
 ✓ Akio Kanatani, Ushiku-shi, JAPAN;  
 Shigeru Tokita, Tsukuba-shi, JAPAN;  
 Ryo Yoshimoto, Tsukuba-shi, JAPAN;

AKIO Kanatani

**Power of Attorney:** The patent practitioners associated with Customer Number 210.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP05/02948 02/17/2005

## Foreign Applications

JAPAN 2004-042171 02/18/2004

If Required, Foreign Filing License Granted: 04/10/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/589,832**

Projected Publication Date: 07/19/2007

Non-Publication Request: No

Early Publication Request: No

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 PATENT DEPT

**Title**

Nitrogenous fused heteroaromatic ring derivative

**Preliminary Class**

514

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

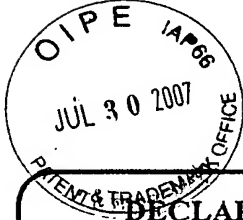
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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



<b>DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)</b>  <input checked="" type="checkbox"/> Declaration Submitted with Initial Filing      OR <input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	Attorney Docket Number	BY0037
	First Named Inventor	Toshiyuki Takahashi
	<b>COMPLETE IF KNOWN</b>	
	Application Number	
	Filing Date	
	Group Art Unit	
Examiner Name	DOCKETED AUG 17 2006 10:30:51	

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NITROGENOUS FUSED HETEROAROMATIC RING DERIVATIVE

(Title of the Invention)

the specification of which

☒ bears the Attorney Docket Number and Title of the Invention noted above

OR

☐ is attached hereto

OR

☐ was filed on (MM/DD/YYYY) [ ] as United States Application Number or PCT International

Application Number [ ] and was amended on (MM/DD/YYYY) [ ] (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent or inventor's certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Attorney Docket Number	Priority Claimed?	
				YES	NO
P2004-42171	Japan	02/18/2004	BY0037PV	<input checked="" type="checkbox"/>	<input type="checkbox"/>
JP2005/002948	PCT	02/17/2005	BY0037	<input checked="" type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	Attorney Docket Number

## DECLARATION AND POWER OF ATTORNEY for Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information known to me to be material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Application Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint, respectively and individually, as my attorney(s) or agent(s) with full power of substitution and revocation, the following registered practitioner(s) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

☒ Practitioners Associated with the Customer Number **000210**  
 OR  
☐ Registered practitioner(s) named below

Name	Registration Number	Name	Registration Number

Direct all correspondence to: ☒ Customer Number **000210**

Name	J. Eric Thies				
Address	Merck & Co., Inc. - Patent Department				
Address	P.O. Box 2000, RY60-30				
City	Rahway	State	NJ	ZIP	07065-0907
Country	USA	Telephone	(732)594-3904	Fax	(732)594-4720

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

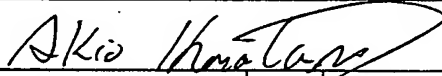
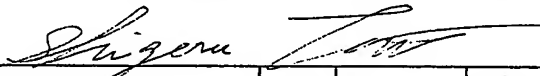
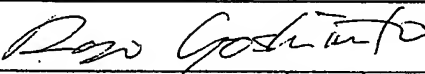
Name of Sole or First Inventor: ☐ A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])		Family Name or Surname			
Toshiyuki		Takahashi			
Inventor's Signature	<i>Toshiyuki Takahashi</i>			Date	07/31/2006
Residence: City	Tsukuba-shi	State	Ibaraki	Country	JP
Citizenship	JP				
Mailing Address	Banyu Pharmaceutical Co., Ltd., Kitanomaru Square, 1-13-12				
City	Kudankita, Chiyoda-ku, Tokyo	State		ZIP	102-8667
				Country	JAPAN

☒ Additional inventors are being named on the \_\_\_\_\_ supplemental Additional Inventors(s) sheet(s) PTO/SB/02A or 02LR attached hereto.

# DECLARATION AND POWER OF ATTORNEY

## ADDITIONAL INVENTOR(S) Supplemental Sheet

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Akio				Kanatani			
Inventor's Signature						Date	07/31/2006
Residence: City	Ushiku-shi	State	Ibaraki	Country	JP	Citizenship	JP
Mailing Address	Banyu Pharmaceutical Co., Ltd, Kitanomaru Square, 1-13-12						
City	Kudankita, Chiyoda-ku, Tokyo	State		ZIP	102-8667	Country	JAPAN
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Shigeru				Tokita			
Inventor's Signature						Date	07/31/2006
Residence: City	Tsukuba-shi	State		Country	JP	Citizenship	JP
Mailing Address	Banyu Pharmaceutical Co., Ltd, Kitanomaru Square, 1-13-12						
City	Kudankita, Chiyoda-ku, Tokyo	State		ZIP	102-8667	Country	JAPAN
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Ryo				Yoshimoto			
Inventor's Signature						Date	07/31/2006
Residence: City	Tsukuba-shi	State	Ibaraki	Country	JP	Citizenship	JP
Mailing Address	Banyu Pharmaceutical Co., Ltd, Kitanomaru Square, 1-13-12						
City	Kudankita, Chiyoda-ku, Tokyo	State		ZIP	102-8667	Country	JAPAN
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature						Date	
Residence: City		State		Country		Citizenship	
Mailing Address							
City		State		ZIP		Country	